

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MARY F. CHAPMAN,
Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

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File No. 1:03-CV-146

ORDER

The Magistrate Judge's Report and Recommendation was filed December 7, 2005. (Paper 17.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The Defendant's motion to dismiss for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) (Paper 16) is GRANTED and the case is DISMISSED without prejudice. The dismissal does not operate as an adjudication upon the merits. See Fed. R. Civ. P. 41(b).

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 13th day of January, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge